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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In re Applications of )  
 )  
WESTEL SAMOA, INC. )  
 )  
For Broadband Block C Personal )  
Communications Systems Facilities )  
 )  
and )  
 )  
WESTEL, L.P. )  
 )  
For Broadband Block F Personal )  
Communications Systems Facilities )

WT Docket No. 97-199

To: Honorable Arthur I. Steinberg  
Administrative Law Judge

REQUEST FOR ACCEPTANCE AND CONSIDERATION  
OF LATE FILED PLEADING

Westel Samoa, Inc., Westel, L.P. and Quentin L. Breen  
(collectively the "Westel Parties"), by their attorneys, hereby  
request the Presiding Judge to accept for filing, and to consider  
the arguments advanced by the Westel Parties in, the "Opposition  
to Petition to Intervene" ("Opposition") being tendered  
concurrently herewith. In support of this request, the Westel  
Parties state as follows:

The Opposition responds to the "Petition to Intervene"  
("Petition") filed by ClearComm, L.P. ("ClearComm") on November  
13, 1997. Pursuant to Sections 1.4 and 1.45 of the Commission's  
Rules, any opposition to the Petition was to be filed on November  
24, 1997, the first business day of this week.

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Because of (i) undersigned counsel's travel schedule related to the instant proceeding,<sup>1</sup> (ii) undersigned counsel's other professional responsibilities, including those related to the instant proceeding, and (iii) some confusion on the part of undersigned counsel as to assignments among the attorneys assigned to the representation of the Westel Parties, an appropriate response to the Petition was not timely prepared for filing. Further, although undersigned counsel attempted to file the Opposition on Wednesday, November 26, 1997, that pleading was completed too late to reach the Office of the Secretary before that office's closing time.<sup>2</sup> In sum, any failure to submit the Opposition prior to this date was not occasioned by an intention to delay any aspect of the instant proceeding, but was occasioned by the undersigned's professional schedule, which was dictated, in large part, by demands of the instant proceeding.<sup>3</sup>

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<sup>1</sup> As he was called upon for a November 20 ruling regarding participation in depositions related to the instant proceeding, which depositions were taken in San Francisco during the week ending November 22, the Presiding Judge is aware that undersigned counsel's travels were in connection with the instant proceeding.

<sup>2</sup> Despite missing the closing time of the Office of the Secretary on November 26, undersigned counsel that evening revised the Opposition (as well as this request and the respective certificates of service) to reflect filing on this date, and that evening sent copies of the Opposition by facsimile to counsel for each of the Bureau and ClearComm.

<sup>3</sup> It also should be noted that the delay in filing of the Opposition does not reflect a late decision by the Westel Parties to oppose the Petition. On November 20, 1997, when the Presiding Judge telephonically inquired as to the intentions of the Westel Parties in this regard, undersigned counsel informed the Presiding Judge, and counsel for both the Bureau and ClearComm, that the Westel Parties would oppose the Petition.

It is respectfully suggested that the Opposition should be considered, despite the delay in its filing. The Opposition presents arguments and issues deserving of consideration as part of the Presiding Judge's resolution of the important issues raised by the Petition. The three business day delay in the filing of the Opposition will occasion no advantage, procedural or substantive, to the Westel Parties; nor will that delay occasion any disadvantage, procedural or substantive, to either of ClearComm or the Bureau.

#### CONCLUSION

In light of the foregoing, the resolution of the instant proceeding, and, ultimately, the public interest, will be facilitated by the acceptance and consideration of the late-filed Opposition. Accordingly, it is respectfully requested that the Presiding Judge both accept the Opposition for filing and give appropriate consideration to the arguments set forth therein.

Respectfully submitted,

WESTEL SAMOA, INC.  
WESTEL, L.P.  
QUENTIN L. BREEN

By: 

A. Thomas Carroccio

BELL, BOYD & LLOYD  
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Washington, D. C. 20036  
202/466-6300

Their Counsel

November 28, 1997

CERTIFICATE OF SERVICE

I, A. Thomas Carroccio, hereby certify that on this 28th day of November, 1997, I have deposited copies of the foregoing "Request for Acceptance and Consideration of Late Filed Pleading" in the U. S. Mail, first-class postage prepaid, addressed to each of the following:

\*Honorable Arthur I. Steinberg  
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